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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/844,473

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Gary V. Stephenson

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EXAMINER

TRAN, THIEN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 02/24/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,475

Applicant(s)

HILLEGASS ET AL.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2, 3, 4</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 9, 17, 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, 9, 17, 26, the specification does not disclose that FSS and MPSS using only one frequency band as recited in limitation "wherein said TS of said ground station transmits a forward link to said satellite and said mobile platform that includes the Fixed Satellite Service data in a first frequency band (second frequency band as recited in claims 9, 26) band and Mobile Platform Satellite Service data in said first frequency band".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9-12, 16-20, 25-28, 32 are rejected under 35 U.S.C. 102(b) as being participated by Briskman (U.S Patent No. 5,036,523).

Regarding claims 1, 9, 17, 25, Briskman discloses a communication system for mobile platforms, comprising:

a mobile platform including a receiver subsystem (col.3 lines 65-67);

a satellite in communication with said (col.4 lines 1-5);

a central (ground) station including a transmitter subsystem (col.4 lines 20-35),

wherein said TS of said ground station transmits a forward link to

said satellite and said mobile platform that includes the service of satellite 28 (Fixed Satellite Service) data in a first frequency band and Mobile Platform Satellite Service data in said first frequency band (col.4 lines 45-50).

Regarding claims 2, 10, 18, 26, Briskman discloses the communication system further comprising:

a mobile platform network connected to said first RS; and

devices 32 (user communication devices) connected to said mobile platform network. See col.4 lines 45-50.

Regarding claims 3, 4, 11, 12, 19, 20, 27, 28, Briskman discloses the communication system, wherein said first frequency band is the F_n frequency domain of a user signal. See col.5 lines 10-35.

Regarding claims 16, 32, Briskman discloses the communication system using frequency communication (FDMA) and spread spectrum technology, which is CDMA and TDMA. See col.7 lines 20-25 and lines 45-55.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8, 13-15, 21-24, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briskman (U.S Patent No. 5,036,523).

Regarding claims 5-8, 21-24, Briskman discloses limitations of independent claims. However, Briskman does not disclose the Mobile Platform service for communication devices 32 using IP packets, which is used in the Internet environment. Therefore, it would have been obvious to one of ordinary skill in the art to implement to feature of IP packets being used in the Mobile Platform communication devices 32 so that the economical benefits can be achieved in variety of technology network protocols.

Regarding claims 13-15, 29-31, Brikman discloses limitations of independent claims. However, Brikman does not disclose the Mobile Platform service for communication devices 32 compressing bulk data, which is used to improve the capacity of data load for transmission. Therefore, it would have been obvious to one having ordinary skill in the art to have the Mobile Platform of Brikman using the

technique of compressing data for transmission so that the communication has a good performance when carries out large data files.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Houston et al (US Patent No. 6,272,317 B1) discloses method and system for providing satellite coverage suing fixed spot beams and scanned spot beam.

-Wiedeman et al (US Patent No. 6,097,752) discloses closed loop power control for low earth orbit satellite communication system.

-Wainfan et al (US Patent No. 6,032,041) discloses method and system for providing wideband communications to mobile users in a satellite-based network.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU
PRIMARY EXAMINER